MR. P. O. THOMAS: May I know whether all these orders were issued immediately after the publication of the Press Communique in respect of this matter?

MR. S. PARTHASARATHY AIYANGAR: It was after the policy was published in the Press Communique that Government issued orders.

MR. K. A. MATHEW: Are Messrs. A. K. Thampi and Gopala Pillai detained under the Travancore Detention and Restriction Act?

MR. S. PARTHASARATHY AIYANGAR: No. All these orders have since been cancelled.

MR. K. A. MATHEW: May I know under what law they are under detention now?

MR. S. PARTHASARATHY AIYANGAR: They are not under detention now. There was a warrant for disobedience. Under that warrant they were arrested and the cases are pending trial.

MR. K. A. MATHEW: May I know under what law, some people who are alleged to have led a procession here in connection with the food scarcity, are kept under custody?

PRESIDENT: Under the Penal Code. If there is an order of the District Magistrate prohibiting processions and if that is violated, the offence comes under the ordinary Penal Code.

MR. K. A. MATHEW: Is it not a restriction of Civil Liberties?

PRESIDENT: It is not, unless it is made out that all orders under the Penal Code are restrictions on civil liberty.

MR. P. O. THOMAS: May I know why restriction was imposed on Mr. Cyril Kandathil?

MR. S. PARTHASARATHY AIYANGAR: For prejudicial activities.

MR. P. O. THOMAS: What is the nature of the prejudicial activities?

MR. S. PARTHASARATHY AIYANGAR: I can give it in detail if the honourable member comes to me.

MR. A. P. UDAYABHANU (*Karunagapally* cum *Kartigapally*): Are there not people who have not been intimated of the fact that the ban has been lifted?

MR. S. PARTHASARATHY AIYANGAR: I cannot say that off-hand. But I remember most of the orders have been issued and acknowledgements have arrived in some cases; and some acknowledgements are arriving. I will check up in a few days and let him know.

MR. P. O. THOMAS: May I know from the member whether he was personally convinced of their prejudicial activities?

MR. S. PARTHASARATHY AIYANGAR: I think I am answering on behalf of Government.

Arrest and detention.

105. * MR. K. K. CHELLAPPAN PILLAI (*Mavelikara* cum *Kunnattur*): Will the Government be pleased to state:

(*a*) the reasons for the arrest and detention of Messrs C. N. Madhavan Pillai, M. A., B. L., G. Raghavan Pillai and Thariathu Kunjithommen; and

(*b*) the reasons for their release?

MR. S. PARTHASARATHY AIYANGAR: (*a*) Prejudicial activity.

(*b*) Their statements and the hope that they will not further pursue such activity.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. K. CHELLAPPAN PILLAI: May I know what is the nature of the prejudicial act?

PRESIDENT: I think I can answer the question. Mr. C. N. Madhavan Pillai published and circulated, throughout India, a certain pamphlet alleging corruption on the part of all officers of the Government and of the head of the administration and suggested that the head of the administration had been systematically looting the State; and it was considered that the production and publication of such a paper would loosen the confidence of the people in the Government, and therefore, it was considered a prejudicial act. It turned out that he was an unconscious instrument of other people here working behind the scenes. He himself realised it and wrote a letter of apology to Government in these terms:

> "In the pamphlets I have given expression to certain views. But in doing so I now greatly regret that I have made serious accusations against the head of the administration which are absolutely baseless and are defamatory and in contravention of law and the lawful limits of criticism and I unconditionally withdraw them and apologize and request the head of the Government to accept my most sincere apologies. This withdrawal is entirely an act of personal atonement apart from any attempts on my part to obtain release by compromising views which I have held for long years on the general policy of the State."

This was dated October 1945 and Government directed that this paper should be published, and that on the basis of this apology he might be released. The publisher of the pamphlet sent an apology to Government, similarly unconditionally apologising to Government and Government have reasons to think that these people were not entirely free agents in this matter but were utilised by persons of a particular way of thinking and a particular method of agitation here for the purpose of blackening the administration. And that is why they were released.

MR. K. A. MATHEW: May I know whether the apology was written while he was under custody?

MR. S. PARTHASARATHY AIYANGAR: Yes, because he was in jail. He wrote the statement in reply to the statement giving the reasons for his detention.

MR. K. A. MATHEW: As he was in jail and he wrote the statement, is there not a reason to believe that he was not a free agent?

PRESIDENT: He is now a free agent and it is open to him to withdraw all the statements and start his old activities.

When a person utters a series of lies when he is detained and then apologises, is he to be released on the ground that he has apologised or is he not to be released on the ground that he could not have done it as a free agent? So long as he is under detention he is not a free agent, so how is he to apologise and how is he to be released?

MR. K. A. MATHEW: May I know whether it is the policy of Government to arrest any man who makes a charge of corruption on the part of the officers of Government? Or is it to be avoided as far as possible?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. PARTHASARATHY AIYANGAR: In this particular case being an accusation against the head of the administration, it was inappropriate to take him to a court. He was given the reasons for which he was arrested. He has a right to reply. In accordance with the usual policy when a man is detained he is given the reasons for his detention and it is open to him to reply and make a representation. The Government are bound to consider that representation and come to their decision.

MR. K. K. CHELLAPPAN PILLAI: How long was he detained?

MR. S. PARTHASARATHY AIYANGAR: About 30 days.

MR. K. A. MATHEW: It was stated that there were allegations of corruption on the part of officers. If a person who says such things is proceeded against, how do the Government expect corruption to be suppressed?

PRESIDENT: If it is a specific case of corruption, I can understand. But it was a wholesale accusation of corruption on the part of all officers of Government headed by the head of the administration. It was a virulent pamphlet intended, as very often happens here, to show to outside people that everything is bad in this State. We have heard speeches made with that object in view. Anyway, if it was a specific act of corruption, the officer could be asked for an explanation. But this was a general and wholesale accusation. I trust honourable members have seen the pamphlet.

MR. P. M. VERGHESE (*Minachil* cum *Thodupuzha*): May I know whether Mr. Thariathu Kunjithommen has stated in his statement that he would not carry on any of his former activities?

PRESIDENT: Order, order. He said he did not intend to take any steps prejudicial to the administration. But if, on the other hand, he wants to take up the prejudicial activities, he will be proceeded against immediately.

MR. P. C. THOMAS: Was Mr. C. N. Madhavan Pillai guilty of any offence under the Penal Code?

PRESIDENT: The question does not arise. He was detained.

MR. P. C. THOMAS: May I know whether he was actually guilty?

PRESIDENT: Obviously defamation is under the Penal Code.

MR. P. C. THOMAS: May I know whether a person can be excused on the filing of an apology, when he is convicted under the Penal Code?

MR. S. PARTHASARATHY AIYANGAR: Certainly, it is the policy of the Crown to take or not to take action.

PRESIDENT: Order, order. If the general opinion of the House is that, on the basis of an apology a person under detention should not be let off, Government will bear that in mind.

MR. V. SRIDHARAN PILLAI (*Kalkulam* cum *Vilavancode*): It is understood that Mr. Madhavan Pillai was offered a lump sum to induce him to make that deposition.

MR. S. PARTHASARATHY AIYANGAR: I am glad to receive that information.

PRESIDENT: Government are in possession of information regarding such matters.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. P. O. THOMAS: May I know the nature of the prejudicial activities of Mr. Thariathu Kunjithommen?

MR. S. PARTHASARATHY AIYANGAR: It was subversive. He was organising activities of a subversive character from outside the State.

MR. P. O. THOMAS: May I know the form of these activities?

MR. S. PARTHASARATHY AIYANGAR: Creating unrest during the War.

Passenger and goods motor vehicles.

106. *MR. K. A. MATHEW: Will the Government be pleased to state:

(*a*) how many fleet owners of passenger and goods motor vehicles there are in Travancore at present;

(*b*) their names;

(*c*) whether there is any definite policy of Government in the matter of issuing fresh permits for purchasing vehicles;

(*d*) whether it is a fact that permits are issued only to existing fleet bus owners or to those who are willing to join such fleets; and if so what is the statutory provision in the Vehicles Act or any other statutes under which it is enforced?

MR. S. PARTHASARATHY AIYANGAR: (*a*) Ten.

(*b*) The information is laid on the Secretary's table.

(*c*) Yes.

(*d*) Vide Press communique R. O. C. No. 10877]44/Judl. dated 27-2-45 and Section 54 of the Motor Vehicles Act and Rules 106, 107 and 108 of the Motor Vehicles Rules.

Police Constables dismissed from service.

107. *MR. VARKALA K. MADHAVAN (*Neyyattinkara* cum *Trivandrum*): Will the Government be pleased to state the number of Police Constables dismissed from service for misconduct in 1121?

MR. S. PARTHASARATHY AIYANGAR: Forty-two.

MR. VARKALA K. MADHAVAN: May I know whether these constables were given opportunities to defend themselves?

MR. S. PARTHASARATHY AIYANGAR: Yes.

MR. A. P. UDAYABHANU: Will they be given pension?

MR. S. PARTHASARATHY AIYANGAR: Not if they are dismissed.

MR. A. P. UDAYABHANU: But it seems Inspectors are given pension.

MR. S. PARTHASARATHY AIYANGAR: No, no. In such cases where a person has got a long service, it is open to Government *exgratia* to give him a pension.

MR. A. P. UDAYABHANU: Have not these police constables put in long service?

MR. S. PARTHASARATHY AIYANGAR: Each case depends on its own merits. Whenever a man asks for a review of his case the case is judged on its own merits and decided.

MR. K. K. CHELLAPPAN PILLAI: Have any of the them applied for a review being made?

MR. S. PARTHASARATHY AIYANGAR: Yes.

MR. K. K. CHELLAPPAN PILLAI: May I know how many have applied?

LIBRARY ARCHIVES Kerala Legislative Assembly